PROVINCE OF SASKATCHEWAN

09-10

ANNUAL REPORT

MINISTRY OF CORRECTIONS, PUBLIC SAFETY AND POLICING

Public Disclosure
Committee

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Letter of Transmittal

His Honour the Honourable Dr. Gordon L. Barnhart
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

The undersigned, pursuant to section 12 of *The Public Disclosure Act* is pleased to present the Public Disclosure Committee Annual Report for the period of April 1, 2009 to March 31, 2010 which was submitted to me by the Public Disclosure Committee.

D.F. (Yogi) Huyghebaert
Minister of Corrections, Public Safety and Policing

Committee Staff and Office Address

Richard J. Peach

The Committee maintains an office at:

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REGINA SK S4P 4K9

The Committee may also be contacted by:

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Role of the Committee

The public has concerns about high-risk offenders who have been released into communities after serving some or their entire sentence. One response to these concerns is to raise public awareness about a particular individual by providing information about the offender to affected individuals or communities.

The Public Disclosure Act was developed to assist the police in dealing with this important issue. The legislation was proclaimed into force November 15, 1996 and created a committee to provide non-binding advice to the police about persons who may pose a danger to the community.

On November 15, 1996 a nine-member committee was appointed to serve pursuant to the Act. Committee members represent a broad spectrum of the community. They include senior police officers, psychologists, members of the legal profession, members of the clergy, people who work with victims of crime and those who employ traditional First Nations healing approaches. They are drawn from various communities around the province.

Police may bring applications with respect to persons who have been convicted of one of the offences prescribed in section 3 of the Regulations and who pose a risk of serious harm to persons in a community in Saskatchewan. The scheduled offences include sexual offences against children, sexual assaults, other sexual offences like bestiality and indecent acts, and procuring children into prostitution. They also include serious personal injury offences like robbery, aggravated assault, kidnapping, and trafficking in controlled drugs and substances.

The Committee can recommend disclosure only when the individual poses a significant risk of serious harm to other persons, the disclosure will help avert the risk posed by the individual, and the public interest in the disclosure outweighs the privacy interests of the individual. If the release of information is recommended, the Committee will also recommend what information should be released, how it should be released, and to whom.

Decisions of the Committee are carefully considered and are based on review of information prescribed by the Act. The information reviewed includes risk assessments, criminal records, likely destinations for the individual, descriptions of the offences the individual has committed in the past, and reasons the individual is believed to pose a significant risk of harm to others.

Committee Services

Persons, who are the subject of an application to the Public Disclosure Committee, are advised in advance that an application has been made, and are given an opportunity to make submissions to the Committee in writing or on audio or video tape.

The advice given by the Committee does not bind the police agency making the request. However, police acting in compliance with the advice receive immunity from suit for their good faith actions in so doing.

Within the scope of *The Public Disclosure Act* for the 12-month period ending March 31, 2010 the Committee received two applications and advised disclosure on both applications.

The following table sets out the number of applications received since the Committee's first reporting year and the number of those applications on which disclosure was advised or not advised.

Fiscal Year	Number of Applications Received	Disclosure Advised	Disclosure Not Advised
2009-10	2	2	0
2008-09	3	3	0
2007-08	3	3	0
2006-07	3	2	1
2005-06	5	5	0
2004-05	2	1	1
2003-04	6	5	1
2002-03	4	4	0
2001-02	2	1	1

Committee Activities

Meetings and Training

Pursuant to section 5 of *The Public Disclosure Regulations*, the Committee is required to schedule a minimum of one date per month for the hearing of applications. Additional expedited meetings are held when applications are brought of an urgent nature that cannot be held in abeyance until the regularly scheduled meetings.

From April 1, 2009 to March 31, 2010, the Committee held 2 expedited and no full committee meetings.

In December 1996, the Committee held its inaugural meeting in Moose Jaw, Saskatchewan. Since that time, Committee members have periodically received training to enhance the knowledge and skills they bring to the process of providing considered, well grounded and appropriate advice to police agencies. They receive training in matters such as orientation to the Act, the roles and responsibilities of the Committee, effective media relations, and tools and techniques to assess both the risk an offender may pose to the public and the offender's potential to re-offend.

Security

Because the Committee will be dealing with some of the potentially most dangerous persons in the province, certain precautions have been taken to protect Committee members from harm. These include, but are not limited to, a specific request made by the Minister of Justice on announcing the legislation that the press not publish the identities of or identifying information about Committee members.

Providing Information to Police Services and the RCMP about the Committee

On November 15, 1996 the Committee provided a package of information to all police services in the province and the RCMP. In January 1997, Committee members and staff provided a half-day presentation to designated police representatives. The sessions were held in Regina and Saskatoon. The presentation was intended to show representatives how to prepare and file applications with the Committee.

Representatives from the RCMP and the municipal police services act as liaison between the Committee and their organizations, ensuring that these agencies are well aware of the application process.

During 2005 - 2006 the Committee Chair and Administrator provided three half-day training presentations for police agencies throughout Saskatchewan. These sessions were held in Regina, Saskatoon and Prince Albert.

Processing the Applications

Of the two applications received in 2009-2010, both were granted expedited consideration pursuant to subsection 15(1) of *The Public Disclosure Regulations* to enable the Committee to provide the applicant police agency with its advice prior to the release of the offender into the community.

Profiles of offenders that were the subject of applications:

- Both offenders were male.
- At the time of the applications, one offender was 45-55 years of age and one was over 65 years of age.
- The offenders' ethnic origins were one Caucasian and one First Nations.
- The number of previous convictions ranged from 3 to 41.
- The number of previous custodial sentences ranged from 3 to 28.
- The number of scheduled offences ranged from 3 to 12.
- The assessment level of risk ranged from low/moderate to high violence/sexual offending.
- The number of previous victims ranged from 3 to 14.
- The victims of one of the offenders were female.
- The victims of one of the offenders were both male and female.
- The victims of both of the offenders were early to late teen years.
- One offender was 17 when first convicted of a criminal offence.
- One offender was 64 when first convicted of a criminal offence.
- One of the offenders was held to warrant expiry by Corrections Services Canada (CSC) officials.

- One offender was released on parole prior to warrant expiry by CSC officials.
- Both of the offenders were awaiting release into the community at the time of the application.

Committee Budget

The expenses of the Committee totalled $1,167.90 and supported the costs of hearings for Committee members. The Policing Services Division of the Ministry of Corrections, Public Safety and Policing provided administrative support for the Committee.